THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 23907 of 2007

Dated: 13.11.2007

Between:

Ram Narsimhulu and others.

... Petitioners

AND

The Special Collector (LA),
Galeru Nagari Sujala Sravanthi,
Sankarapuram, Kadapa,
Kadapa District & another.

... Respondents

Counsel for the petitioners : Sri Kondada Rami Reddy

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 23907 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in not including certain structures and trees belonging to the petitioners in notification dated 05.11.2007 issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short, 'the Act') and published in Vaartha Telugu daily newspaper, as illegal and arbitrary.

The petitioners in their affidavit filed in support of the writ petition pleaded that an extent of Ac.1-03 cents comprised in Sy.No.389 of Kuluvaivandlapalle, H/o. Varikunta Village, Atloor Mandal, Kadapa District, is proposed for acquisition and notification under Section 4 (1) of the Act was published on 05.11.2007 in Vaartha daily newspaper; that there are two structures of BJCR (Bridgical Jelly Concrete Roof) and two Mangalore tiled roof houses in existence on the said property apart from 30 Neem trees, 2 Sendhi trees, 1 Jammi tree and 1 ARE tree. The grievance of the petitioners is that these structures and the trees existing on the land to an extent of Ac.1-03 cents in Sy.No.389, which is proposed to be acquired are not included in the notification issued under Section 4 (1) of the Act.

Heard Sri D. Kodanda Rami Reddy, learned counsel for the petitioners and the learned Assistant Government Pleader for Land

Acquisition.

Though the petitioners have not filed any material in support of the existence of the said alleged structures and the trees, except the representations made by them to respondent No.2, I do not propose to non-suit the petitioners only for the reason because if there really exist such structures and the trees and they are not included in the notification, the petitioners cannot be denied compensation.

Since the dispute whether the structures and trees really exist or not can be ascertained only by making a personal inspection, I deem it appropriate to dispose of the writ petition with a direction to respondent No.2 to make a local inspection of the property, which is under acquisition, after giving advance notice to the petitioners, make the personal assessment and include these structures and trees, if they are found to be in existence under acquisition, if necessary, by issuing an addendum to the notification already issued under Section 4 (1) of the Act.

Subject to the above observation, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WPMP.No.31134 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 13.11.2007
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